

REMARKS

Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected Claims 1, 3-8 and 14 under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling, stating that the "aqueous dispersion which is dispersed throughout the sphagnum moss" which is critical or essential to the practice of the invention (as argued by Applicant at Paper No. 10, Remarks at page 8, second paragraph), is not included in the claim(s) and is not enabled by the disclosure.

Claim 1 has been amended to state that "the sphagnum moss is bound together by a binding material thoroughly mixed with the sphagnum moss so as to be dispersed therethrough".

It is urged that this limitation finds its basis and is enabled in the disclosure in reference to a "slurry" found in the specification at:

Page 3, line 6 (as amended by Application at Paper No. 10);

Page 5, line 11; and

Page 6, Example 1, last line.

Therefore, it is submitted that it is abundantly clear from the specification that the binding material is dispersed right through the sphagnum moss.

Herein, an aqueous dispersion of the compatible adhesive is formed and then mixed with the sphagnum moss to form a slurry.

With due respect, it does not need a specialized knowledge of the subject to see that if you are mixing fragments of moss into an aqueous dispersion to form a slurry, the adhesive inevitably must be dispersed right through the whole volume of the sphagnum moss. Whether one calls this dispersed throughout the sphagnum moss or dispersed through the sphagnum moss would appear to be a matter of choice!

In Example 1, referred to above, the components (this is the sphagnum moss plus some additional materials) are thoroughly mixed with the binding material in the form of an aqueous dispersion to form a slurry.

Accordingly, Applicant urges that the critical feature of the aqueous dispersion being dispersed throughout the sphagnum moss is now included in Claim 1, and that feature finds enablement in the disclosure.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected Claims 1, 3-8 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Edwards (U.S. Pat. No. 3,543,438) in view of JP1-157315; Bell (U.S. Pat. No. 4,414,776); and Langezaal et al. (U.S. Pat. No. 5,218,783).

Applicant respectfully submits that, in the light of the amendments to Claim 1, the Edwards citation simply does not apply for the reason that Edwards does not disclose binding material being dispersed through the sphagnum moss. In Applicant's view, Edwards discloses two embodiments:- In the Fig. 4 and 5 embodiment, a block made of filamentary material bonded together by filaments of polyethylene dispersed through the bulk of material, which when heated bond to the adjacent material.

As stated in Applicant's Paper No. 10, Edwards does not disclose or suggest the use of an adhesive in aqueous dispersion which is dispersed throughout the sphagnum moss. Indeed, Edwards teaches away from this type of product (column 3, lines 67 to 70) "it is important to note that the adhesive material cannot be mixed random with the plant growth material to build up the assembly since the mixture must be able to absorb water in order to properly supply plant growth". This very emphatically teaches away from the invention as now claimed.

The other embodiment of Edwards shows an adhesive sprayed through the thickness of the material but only along the edges of the block and down the sides of the smaller sub-blocks:- the objective is to provide a large block with strong sealed edges and sub-blocks with their edges reinforced and sealed. There is no disclosure of

spraying the whole body of plant growth material with adhesive. Again, Applicant submits that this teaches emphatically away from the invention as now claimed.

On page 5 of the Detailed Action, in the section entitled "Response to Arguments", the Examiner makes reference to the dictionary definition of "dispersed".

While the Applicant can see the Examiner's point, it is felt that the Examiner is placing a great deal of emphasis on the difference in meaning between "dispersed through" and "dispersed throughout", a slight difference which is urged not to be of particular relevance in the present context.

Be that as it may, Claim 1 has been amended to clearly distinguish over Edwards who does not disclose the adhesive, or binding material, dispersed throughout the sphagnum moss, as now claimed.

Accordingly, Claim 1, as currently amended, is urged to be allowable over Edwards and the other cited prior art.

Claims 3-8 and 14, being dependent from Claim 1, are urged to be allowable therewith.

Favorable consideration and passage to allowance are respectfully solicited.

Respectfully submitted,

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